

ESTTA Tracking number: **ESTTA523079**

Filing date: **02/22/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	K-2 Corporation
Granted to Date of previous extension	02/27/2013
Address	4201 6th Avenue S Seattle, WA 98108 UNITED STATES

Attorney information	Cindy L. Caditz Davis Wright Tremaine LLP 1201 Third Ave, Suite 2200 Seattle, WA 98101 UNITED STATES cindycaditz@dwt.com, mmoersfelder@dwt.com, ronrutherford@dwt.com Phone:206-757-8014
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Applicant Information

Application No	85637945	Publication date	10/30/2012
Opposition Filing Date	02/22/2013	Opposition Period Ends	02/27/2013
Applicant	Alison Mei Lan Jim 7040 Grasswood Avenue Malibu, CA 90265 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2012/01/01 First Use In Commerce: 2012/05/29
All goods and services in the class are opposed, namely: T-shirts


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1878248	Application Date	09/03/1992
Registration Date	02/07/1995	Foreign Priority Date	NONE
Word Mark	RIDE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 028. First use: First Use: 1992/09/00 First Use In Commerce: 1992/12/00 snowboards and accessories for snowboards; namely, snowboard boots, snowboard bindings and parts therefor, snowboard boot bags and snowboard leashes

U.S. Registration No.	3762894	Application Date	08/05/2009
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	RIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 snowboard boots, snowboard clothing		

Attachments	77797365#TMSN.jpeg (1 page)(bytes) RIDE BRAVE - Notice of Opposition.pdf (4 pages)(22936 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MEM/
Name	Matthew E. Moersfelder
Date	02/22/2013

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7 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
8 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

9 K-2 CORPORATION dba RIDE
10 SNOWBOARD COMPANY, an Indiana
corporation,

11 Opposer,

12 v.

13 ALISON MEI LAN JIM, an individual citizen of
the United States,

14 Applicant.

Opposition No.

Application Serial No. 85/637,945

NOTICE OF OPPOSITION

15
16 TO THE COMMISSIONER FOR TRADEMARKS

17 TRADEMARK TRIAL AND APPEAL BOARD:

18 K-2 Corporation dba Ride Snowboard Company, a corporation of the State of Indiana,
19 having a place of business at 4201 6th Avenue S, Seattle, WA 98108 (hereinafter "Opposer"),
20 believes that it will be damaged by registration of the trademark shown in Application Serial
21 No. 85/637,945, in International Class 25, and hereby opposes the same. As grounds for the
22 opposition, Opposer alleges as follows.
23

24 1. On information and belief, Alison Mei Lan Jim is an individual citizen of the
25 United States with an address of 7040 Grasswood Avenue, Malibu, CA 90265 (hereinafter
26 "Applicant").
27

NOTICE OF OPPOSITION - 1

DWT 20697483v1 0091399-000100

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200 · 1201 Third Avenue
Seattle, Washington 98101-3045
(206) 622-3150 · Fax: (206) 757-7700

1 2. Continuously since long prior to any date upon which Applicant can rely,
2 Opposer has used the trademark RIDE, in association with the sale of snowboards and
3 snowboard accessories, and winter sports clothing and clothing.

4 3. Opposer is the owner of U.S. Trademark Registration No. 1,878,248, for the mark
5 RIDE, for snowboards and accessories for snowboards, namely, snowboard boots, snowboard
6 bindings and parts therefor, snowboard boot bags and snowboard leashes, in International
7 Class 28. Said registration issued February 7, 1995, in International Class 28, setting forth a date
8 of first use of September 1992 and representing a priority date of September 3, 1992, pursuant to
9 15 U.S.C. § 1051(b). Registration No. 1,878,248 is currently valid, subsisting, and incontestable.
10

11 4. Opposer is the owner of U.S. Trademark Registration No. 3,762,894, for the mark
12 RIDE, for snowboard boots and snowboard clothing, in International Class 25. Said registration
13 issued March 23, 2010, in International Class 25, setting forth a date of first use in 1994.
14 Registration No. 3,762,894 is currently valid and subsisting.
15

16 5. The mark RIDE BRAVE, shown in Application Serial No. 85/637,945, so
17 resembles Opposer's mark RIDE, when used in association with the goods claimed by
18 Application Serial No. 85/637,945, as to be likely to cause confusion, or to cause mistake, or to
19 deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
20

21 6. Opposer will be damaged by the registration sought by Applicant insofar as the
22 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership
23 of the mark RIDE BRAVE for the goods claimed by Application Serial No. 85/637,945, and
24 Applicant's exclusive right to use the mark RIDE BRAVE in association with the goods claimed
25 by Application Serial No. 85/637,945 when, in fact, Applicant is not entitled to the full scope of
26 such rights by virtue of Opposer's prior and continuous use of the mark RIDE, for snowboards
27

1 and accessories and for snowboards and clothing, which are sold in the same channels of trade in
2 which the goods claimed by Application Serial No. 85/637,945 may be sold.

3 7. Based upon the foregoing, registration of the mark shown by Application Serial
4 No. 85/637,945, filed May 30, 2012, is likely to cause injury and damage to Opposer.

5 WHEREFORE, Opposer respectfully requests that registration of the mark RIDE
6 BRAVE as shown by Application Serial No. 85/637,945, be denied under Section 2(d) of the
7 Lanham Act, 15 U.S.C. § 1052(d), and that this Opposition be sustained.

8 Please charge the filing fee of US \$300.00 to Deposit Account No. 04-0258 of Opposer's
9 counsel noted below.
10

11 Please direct all correspondence to Cindy L. Caditz or Matthew E. Moersfelder of Davis
12 Wright Tremaine LLP at the following address:

13 Cindy L. Caditz, Esq.
14 Matthew E. Moersfelder, Esq.
15 Davis Wright Tremaine LLP
16 1201 Third Avenue, Suite 2200
17 Seattle, WA 98101-3045

18 Please direct all telephone calls to Cindy L. Caditz at 206-757-8097 or Matthew E.
19 Moersfelder at 206-757-8014.

20 DATED this 22nd day of February, 2013.

21 Davis Wright Tremaine LLP
22 Attorneys for K-2 Corporation.

23 By s/Matthew E. Moersfelder
24 Cindy L. Caditz
25 Matthew E. Moersfelder
26 1201 Third Avenue, Suite 2200
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CERTIFICATE OF FILING

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/637,945 for the mark RIDE BRAVE is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: February 22, 2013 s/Matthew E. Moersfelder

CERTIFICATE OF SERVICE

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/637,945 for the mark RIDE BRAVE is being duly served upon the Applicant by mailing a copy thereof via the U.S. Postal Service in a sealed envelope as first-class mail with postage thereupon fully prepaid and addressed to the following address:

Alison Mei Lan Jim
7040 Grasswood Avenue
Malibu, CA 90265

Date: February 22, 2013 s/Ron Rutherford